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Held at the Palais des Nations, Geneva,
on Wednesday, 18 November 1992, at 10 a.m.

Chairman: Mr. VOYAME

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Initial report of the United Kingdom of Great Britain and Northern Ireland: dependent territories (CAT/C/9/Add.10)

1. At the invitation of the Chairman, Mr. Steel, Mr. Rankin and Miss Walsh (United Kingdom) took places at the Committee table.

2. Mr. STEEL (United Kingdom) said that the reports contained in document CAT/C/9/Add.10 covered the nine dependent territories of Anguilla, Montserrat, the Turks and Caicos Islands, St. Helena, Pitcairn, the Cayman Islands, the British Virgin Islands, Gibraltar and the Falkland Islands. It was anticipated that the Convention would also be extended to the remaining dependent territories of Bermuda, Hong Kong, the Channel Islands and the Isle of Man by the end of the year. He apologized for the late submission of the reports, which had been due to the lack of resources and expertise in the territories concerned. They were all very small and their administrative and legal resources were scanty, so that the burden fell on the local Attorney-General, who in some cases worked virtually on his own.

3. The five Caribbean territories - Anguilla, Montserrat, the Turks and Caicos Islands, the Cayman Islands and the British Virgin Islands - all had a long history and had at one time been part of the Federation of the West Indies established in the early 1950s. The Federation had collapsed in the early 1960s, following which most of its members had become independent States and members of the United Nations. The five territories to which he was referring were the residue of small territories which had either not wanted independence or, for economic or other reasons, had not been viable.

4. Anguilla was a very small island, at no point higher than some six or seven metres above sea level, with a population of 7,000 inhabitants. It had had a difficult history, having originally been part of the territory of St. Christopher Nevis and Anguilla. St. Christopher Nevis had acquired the status of an associated State, but Anguilla, which had always regarded itself as separate from the larger islands, had seceded in the early 1960s and claimed the right to revert to the status of a separate colony. It had now become a reasonably flourishing territory for its size, with a tourist industry and some outside investment, which it encouraged.

5. Montserrat had been one of the smaller territories of the former Leeward Islands. It was a single island with a population of between 11,000 and 12,000. In 1989, it had been virtually devastated by hurricane Hugo, 90 per cent of its buildings and 90 per cent of its vegetation having been destroyed, but it was beginning to regain its prosperity, since it depended essentially on tourism and investment.

6. The Turks and Caicos Islands had, until 1959, been governed as a dependency of Jamaica. When it had become clear that Jamaica was to become independent and no longer wished to have responsibility for the Turks and Caicos Islands, they had been re-established as a separate dependent

territory. There was considerable movement of population, both into and out of the territory, and it was therefore impossible to give a precise population figure, but it was estimated at between 13,000 and 18,000.

7. The Cayman Islands had also formerly been a dependency of Jamaica, but had separated from it when it had been about to become independent. The Islands had a population of 22,000 and a flourishing economy dependent on tourism, shipping registration and off-shore finance. They were probably the most prosperous of all the territories under consideration.

8. The Virgin Islands had also been among the territories that had decided not to become independent in the early 1960s. They had a population of about 13,000, the majority of whom lived on the main island. The territory was reasonably prosperous, being heavily dependent on tourism and latterly on some off-shore banking and finance.

9. For practical purposes, St. Helena included the Ascension Islands and Tristan da Cunha, the three components having a total population of some 5,600. The islands were geographically very isolated in the middle of the South Atlantic Ocean and their inhabitants were primarily dependent for their livelihood on shipping and fishing.

10. Pitcairn had a population of only 50, with a very small local administration. The Governor was the British High Commissioner in New Zealand, who largely administered the island from that country. There was only one policeman, whose job was described as a sinecure.

11. Gibraltar, whose geographical and political position was rather special, had a population of approximately 30,000.

12. The Falkland Islands had a scattered population totalling 2,121 in the most recent census.

13. Some of the territories had had some difficult periods in recent years, but it could be hoped that they were now on the way to prosperity. They were all peaceful, reasonably law-abiding and democratic communities. Although they had the status of colonies, they had a very large measure of local autonomy in practice and, for the most part, in law and the extent to which the United Kingdom Government interfered in day-to-day affairs was very limited. The powers of the Governor in each case concerned essentially external affairs and defence, in most cases, internal security, including the police, and, in one or two cases, the public service and finance. For all other important matters, the territories had democratically elected local governments.

14. When it had become clear that the territories' reports would be unacceptably delayed, the United Kingdom Government had appointed an independent human rights expert who had visited all the Caribbean territories, studied the relevant material and prepared a draft model report, which had been circulated to all of the nine territories and adapted by them to their particular circumstances and laws. Each part of the report (CAT/C/9/Add.10) was thus the locally appropriate variant of a common model as finally determined by the local Attorney-General in the light of his detailed

knowledge of his own territory. That procedure had been possible because all the dependent territories had very similar legal systems based on the English system and, in some cases, had similar or identical laws on particular topics. Despite the basic similarity in the structure and language of the reports, however, the final text before the Committee was in each case a "local" text. In a few contexts, therefore, even where the legal provision or arrangement described was common to several territories, it might be found that some reports had not given as full or satisfactory an explanation as others. That was largely a matter of detail, however, and, if the Committee had any questions to raise on the matter, he would endeavour to answer them.

15. All the dependent territories except St. Helena, Pitcairn, the British Virgin Islands and the Cayman Islands had human rights provisions in their Constitutions, in each case modelled on and derived from the European Convention on Human Rights; and each contained a provision explicitly prohibiting torture and inhuman or degrading treatment or punishment.

16. In all cases, the constitutional provisions also included an enforcement provision giving anyone who claimed to have been subjected to or threatened with torture or inhuman treatment the right to have access to the Supreme Court and giving the Supreme Court the power to grant whatever redress the circumstances of the case required. Reference to that provision could be found, for example, in paragraphs 7 and 35 of the Gibraltar report and in paragraph 3 of the Falkland Islands report. Although specifically referred to only in those two reports, it was a feature of the Constitutions of Anguilla, Montserrat, the Turks and Caicos Islands, Gibraltar and the Falkland Islands and would also be included in the new Constitution of the Cayman Islands.

17. St. Helena and the Falkland Islands had provisions corresponding almost exactly to the United Kingdom Police and Criminal Evidence Act 1984. That Act, and the various codes of practice promulgated under it, laid down in great detail the procedure which the police must follow in dealing with detained persons - in their treatment and interrogation, for example - and also the rules governing the admissibility in evidence of confessions or other statements made by persons in police custody. The five Caribbean territories and Gibraltar had not adopted those provisions, but relied on what was known as the Judges' Rules - a set of administrative rules drawn up originally in 1913 by all the judges sitting collectively at the request of the Home Secretary to give guidance to the police on the limits within which they were permitted to deal with persons whom they wished to question in connection with criminal offences. The Rules had been revised from time to time by the judges, reissued by the Home Secretary and brought up to date as necessary. They had never had the force of law, but had been described as administrative directives "the observance of which the police authorities should enforce on their subordinates as tending to the fair administration of justice". The importance of doing so had been stressed, since statements obtained from persons contrary to the spirit of those rules might be rejected as evidence by the judge presiding at the trial. He read out a lengthy passage from the Rules, copies of which would be made available to the members of the Committee.

18. The Judges' Rules provided a safeguard both against the improper treatment of persons in custody and against the admissibility in evidence of

confessions or statements obtained by torture or inhuman treatment or any other form of duress or oppression. None of the individual reports gave an adequate account of their significance or of the impact of the United Kingdom Police and Criminal Evidence Act. The best way of obtaining a complete picture applicable to all the territories was by a combined reading of paragraph 30 of the Virgin Islands report and paragraphs 37 and 38 of the Cayman Islands report. The Judges' Rules applied in all the territories concerned. Where the Police and Criminal Evidence Act of the United Kingdom and its codes of practice elaborated further on those Rules or where they covered matters not covered by the Rules, it could be assumed that the courts and police authorities would be guided by the Act and its codes of practice.

19. Documentation on the relevant United Kingdom legislation on extradition and, in particular, the Extradition Act 1989, which consolidated earlier Acts, was at the Committee's disposal. The sometimes confusing information contained in the nine reports called for some simplification, but it could be demonstrated that adequate powers were available in all circumstances for the extradition of alleged torturers in accordance with the provisions of articles 7 and 8 of the Convention. In relation to article 3, it was inconceivable that the discretion to refuse to extradite accorded to the Home Secretary in the United Kingdom and to the governor in the dependent territories would not be used in the sense of non-extradition in cases where there were substantial grounds for believing there to be a danger of torture.

20. Mr. BURNS (Country Rapporteur) said that the oral introduction to the United Kingdom report had dispelled some of his doubts. He was generally satisfied that articles 1 to 8 of the Convention were being implemented through the combined effect of sections 134 and 135 of the Criminal Justice Act 1988 as modified, the Criminal Justice Act (Torture) (Overseas Territories) Order 1988 and the Extradition (Torture) Order 1991 and that the provisions of the Convention had been incorporated into the domestic law of the dependent territories. He also noted with satisfaction that, in future, the Judges' Rules were likely to be construed in the territories in the light of United Kingdom practice in applying current legislation.

21. In section 134 (1) of the Criminal Justice Act 1988 as modified, which was annexed to the reports under consideration, the offence of torture was defined as severe pain or suffering inflicted on another by a public official or person acting in an official capacity "in the performance or purported performance of his official duties" - a broader definition than that contained in the Convention itself.

22. With regard to section 134 (4) of the Act, which stated that "It shall be a defence for a person charged with an offence under this section in respect of any conduct of his to prove that he had lawful authority, justification or excuse for that conduct", he inquired what might be deemed to be lawful authority for the commission of torture: he suspected that what was meant was the common law of necessity, but hoped that he was wrong.

23. As part of the definition of "lawful authority, justification or excuse", section 134 (5) (b) (ii) of the Act referred to authority, justification or excuse "under the law of the place" where pain or suffering had been inflicted. He requested the United Kingdom delegation to consider the not

unreasonable hypothesis that an alleged torturer held in a dependent territory and benefiting from a discretionary or mandatory decision not to extradite might justify the acts of which he had been accused and for which he should consequently be prosecuted in that territory by reference to the law - at the time - of the place where the acts had been committed, for example, by invoking superior orders. How would such a case be handled and what would the likely outcome be?

24. In the dependent territories, were persons on remand segregated from convicted prisoners; did the principle of vicarious liability of the State apply with regard to compensation; and was there any equivalent to the British criminal injuries compensation scheme? Had there been any recent cases of torture in any of the territories; was legal aid available; was corporal punishment resorted to under any circumstances, either as part of a sentence or as a disciplinary measure; and could a person be held incommunicado? Apart from civilian police forces, did the dependent territories have any military forces; if so, did the same rules relating to power of arrest, interrogation and bringing before a court apply to such forces? How soon after being taken into custody must a person be brought before a judge?

25. The report on Gibraltar (pp. 53-59 of doc. CAT/C/9/Add.10) contained what he found to be an interesting non sequitur in paragraph 13, in which punishment on account of race, religion or nationality seemed to be regarded as a threat of torture or inhuman treatment. In paragraph 39, the word "admissible" should obviously read "inadmissible". He asked whether bodies analogous to Gibraltar's Police Complaints Board existed in any of the other dependent territories.

26. With regard to the report on the Falkland Islands (pp. 60-67), he said that, apart from what was stated in paragraph 30, the preceding paragraphs did not refer to the rights of the victim of an act of torture to obtain redress and to fair and adequate compensation. He asked whether, in addition to civil actions, injured parties had access to a criminal injuries compensation scheme.

27. The CHAIRMAN, speaking as Alternate Country Rapporteur, noted with satisfaction that, to the best of the Committee's knowledge, no cases of torture had occurred in the dependent territories in recent times.

28. Referring to the report on Anguilla (pp. 2-8), which he took to be relatively typical of all the reports, he asked how the extradition laws of the United Kingdom, which had been explained at length, came into play in connection with expulsion or return ("refoulement"). The provisions of articles 5 and 6 of the Convention were adequately catered for. In relation to article 7, he inquired what the basis was for the "long-standing practice", referred to in paragraph 23, concerning the investigation of alleged criminal offences and the consideration of prosecution for such offences. Since a virtually identical statement in paragraph 25 of the report on Montserrat was explained by a reference to the right to legal representation, he presumed that it was not to be concluded that such representation was not available in Anguilla or in other dependent territories.

29. He wished to have further assurance that the rules governing the implementation of articles 8 and 9 of the Convention in the dependent territories were applied to all States parties to the Convention, whether or not they had signed an extradition treaty or a treaty on mutual judicial assistance with the United Kingdom. He would welcome additional information on the scope of mutual judicial assistance, which should, according to the letter and spirit of the Convention, extend beyond the process of extradition.

30. Concerning article 14, he joined Mr. Burns in asking whether provision was made for the responsibility of the State in matters of compensation. Paragraph 38 of the report on the Cayman Islands (pp. 36-45) stated that answers to questions by the police "may be inadmissible in evidence" if the Judges' Rules were disobeyed. Since those Rules provided that answers to questions must be obtained voluntarily and not under duress, he assumed that a more categorical statement of inadmissibility was called for.

31. Mr. SORENSEN, welcoming the interesting reports contained in document CAT/C/9/Add.10, said that some of the dependent territories were relatively close to places where torture was known to be practised; it was thus likely that torturers not infrequently fled there. Was any statistical or other information available concerning the arrest and arraignment of such individuals or their extradition to non-Commonwealth countries?

32. Article 10 of the Convention called for education and information regarding the prohibition against torture. Admittedly, the dependent territories were widely scattered and their populations small, and that might preclude the establishment of special institutions for that purpose. He nevertheless believed that postgraduate training for doctors and other health professionals, with emphasis on diagnosis and rehabilitation, and training for border police in the identification of victims of torture were called for, especially in Gibraltar and in the Turks and Caicos Islands, where there were many Haitian refugees.

33. Mr. BEN AMMAR said that he endorsed the questions by the Country Rapporteurs. He wished to know how education and information on the question of torture were imparted to police officers and prison staff in the dependent territories. He also requested information on procedures with regard to custody and preventive detention and, in particular, their legal duration, especially in Gibraltar, where he understood that there was a heavy inflow of immigrants and economic refugees.

34. Mr. Steel, Mr. Rankin and Miss Walsh (United Kingdom) withdrew.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.

First supplementary report of Belarus (CAT/C/17/Add.6)

35. At the invitation of the Chairman, Mr. Dashuk, Mr. Kozlov, Mr. Mardovitch and Mr. Galka (Belarus) took places at the Committee table.

36. Mr. DASHUK (Belarus) said that it had been exactly three years to the day since the initial report of Belarus (CAT/C/5/Add.14) had been submitted to the Committee. Since then, there had been momentous changes in the political,

legislative, economic and judicial life of Belarus. A draft Constitution was being considered on second reading in the Supreme Soviet of Belarus. The preamble of the Constitution stated that the people of Belarus were striving to guarantee the rights and freedoms of all citizens of the Republic, to strengthen the basis of the sovereignty of the people and to consolidate a State based on the rule of law. The Constitution recognized that citizens' interests were best served through the separation of power between the executive, the legislature and the judiciary. The State, its bodies and its officials were obliged to act in accordance with the provisions of the Constitution. The Republic of Belarus recognized the primacy of international law. If any legislation of the Republic conflicted with the provisions of an international agreement to which the Republic was a party, the agreement took precedence. Courts were therefore free to apply international instruments such as the Convention against Torture directly.

37. The rights and freedoms of individuals could be limited only in cases provided for in legislation, for example, in the interests of national security. Under article 25 of the Constitution, the State guaranteed the inviolability of the person and of human dignity. The restriction of personal freedom was subject to stringent conditions laid down by law. Persons in custody were entitled to request a judicial review or examination of their detention or arrest. According to the Constitution, no one could be subjected to torture and other cruel, inhuman or degrading treatment and a person could not be forced to undergo medical or other examinations without his consent. Article 26 of the Constitution established that a person was innocent until proven guilty in a competent court of law following due legal process. The accused did not have to prove his innocence. Under article 7, no person could be forced to give evidence against himself, members of his family, blood relatives or in-laws. Evidence which had been illegally obtained had no legal force.

38. State organs and public and other officials in State service were obliged to take the necessary measures to protect the rights and freedoms of citizens and, in the event of failure to do so, would be held fully responsible for their acts. Citizens were entitled to the legal protection of their rights and freedoms under the Constitution, other laws and the international instruments to which Belarus was a party. Such guarantees were protected by competent, independent and impartial courts which would conduct investigations of alleged violations within the time-limits established by law. Citizens were entitled to seek compensation before the courts for any material or physical damage. They also had the right to legal assistance, including the right, at any time, to access to a defence counsel. Legal assistance would be paid out of State funds.

39. The Republic of Belarus had heeded the advice the Committee had given it following the submission of its previous report. It had thus given priority to the inclusion in the new Constitution of provisions of the Convention which had not existed in the previous Constitution. On the basis of the new Constitution, the Ministry of Justice had prepared a draft Code of Criminal Procedure and was reviewing the Labour and Other Codes, ensuring that they complied with the provisions of the Convention against Torture.

40. Mr. KOZLOV (Belarus) said that the Republic of Belarus had been one of the first States to sign and ratify the Convention against Torture. The great changes in the Republic's political life were the product of the disintegration of the Union of Soviet Socialist Republics and the democratic upsurge taking place in society. The transition to democracy in Belarus had taken place without bloodshed. The Republic enjoyed political stability and, while economic problems had not been completely ironed out, European Community experts had determined that Belarus had the highest standard of living of all the republics of the former USSR. More than 100 countries had recognized the sovereignty of the Republic of Belarus and established diplomatic relations with it.

41. Like Mr. Dashuk, he stressed that the Republic was based on the primacy of the citizen over the State. Legislative acts adopted to protect the dignity and honour of citizens included that on citizenship, which prohibited any discrimination. Measures designed to protect human rights included the new Constitution, the establishment of a Constitutional Court, the separation of powers and parliament's decision to implement judicial reforms, which included the introduction of new Criminal and Civil Codes and a review of the status of judges. In January 1992, moreover, the Republic of Belarus had ratified the first Optional Protocol to the International Covenant on Civil and Political Rights.

42. The Supreme Soviet had an important role to play as a legislative body in preparing and adopting a law to regulate the actions of law enforcement agencies. Attention was being paid to the obligations of State and other bodies in terms of human rights.

43. Mr. MIKHAILOV (Country Rapporteur) thanked the Government of Belarus for the timely submission of its report and for the oral introduction by Mr. Dashuk and Mr. Kozlov. He recalled that, at its third session, the Committee had commended Belarus on its "clear and concrete replies to all the questions asked by members of the Committee" and that the Chairman had expressed "satisfaction with the report submitted" (CAT/C/SR.33). The Committee's hope at that time that Belarus would continue to make efforts to punish any unlawful acts had been fulfilled and the first results could now be seen. He welcomed the changes in legislation aimed at improving the legal system and combating torture. He nevertheless believed that the first supplementary report of Belarus was less complete and detailed than the initial report.

44. He recognized that the most important provisions of the Convention were covered in the draft Codes. However, questions remained and he requested the delegation to provide information on whether individual cases of torture existed in Belarus. He also requested accurate statistics and information on the specific measures taken to combat torture and other treatment or punishment which was incompatible with respect for human dignity. Three years previously, Mr. Dipanda Mouelle had asked about "the results of the review ... of the rehabilitation of the victims of repression during the period of the personality cult" (CAT/C/SR.32). Although paragraph 15 of the supplementary report stated that "the judicial institutions and bodies responsible for the protection of rights in the Republic of Belarus are particularly concerned in their work with questions of the rehabilitation and restoration of the rights

of the victims of the illegal political repressions which took place between the 1920s and 1980s", he wished to know what results had been achieved in terms of rehabilitation. It had been stated at the Committee's third session that "during the first half of 1989, over 23,000 citizens who had been unjustly convicted had been rehabilitated through the judicial channel" (CAT/C/SR.33). He requested the Belarus delegation to provide further details. With regard to the compensation of victims of repression, it had been stated at the third session that "117 cases concerning persons who had been illegally arrested, tried or sentenced had been heard by the courts and a sum of about 38,000 roubles had been paid to victims" (CAT/C/SR.33). Were any further details available?

45. Turning to the individual paragraphs, he asked for further clarification on paragraph 6. What were the sanctions in such cases? Were there provisions for civil and administrative responsibility. In connection with paragraph 7, he also inquired about sanctions, whether the changes referred to had had an impact on criminal procedure and what the practical effect was for procurators and the courts. Concerning paragraph 9, he wondered whether there was a minimum period of detention pending investigation. As to paragraphs 12 and 13, he sought further information on the rights of the defence. How was that complex problem covered in the new draft code of criminal procedure? With regard to paragraph 14, he asked whether measures were planned to bring corrective labour statutes into line with the Convention.

46. In more general terms, what was being done to implement article 3 of the Convention? Were new provisions being planned or would the question be covered under the new draft Code of Criminal Procedure?

47. What efforts were being undertaken to disseminate information on the Convention in the population and among detainees? What training was being provided to jurists and to prison staff in corrective labour institutions? Had there been any changes in the courses taught in faculties of law to include questions of human rights and, in particular, efforts to combat torture?

48. Mr. GIL LAVEDRA (Alternate Country Rapporteur) said that the oral introduction by the Belarus delegation had helped clarify a number of queries that had persisted about the supplementary report.

49. Clearly, Belarus was undergoing a process of fundamental change and it was not easy to ask questions about a legal system that was currently in the drafting stage. In referring to the draft Constitution, the Belarus delegation had stated that, in the event of a conflict between domestic law and an international convention, the latter prevailed. But were the rules of international law an integral part of domestic law? If there were gaps, could the rules of international law be applied by the courts? He had in mind article 2, paragraphs 2 and 3, and articles 3, 5, 8, 9 and 15 of the Convention against Torture. In connection with the establishment of a constitutional court, he asked whether a single body would be entrusted with monitoring constitutionality or whether any judge could challenge the constitutionality of a provision.

50. According to the initial report of Belarus, it had not been deemed necessary to introduce a specific definition of torture in domestic legislation because such acts had already been covered by articles 166 to 168 and 175 to 179 of the Criminal Code. A number of members of the Committee had expressed concern at the time that those articles had not fully reflected the provisions of the Convention.

51. What was the current situation with regard to the death penalty? What cases were concerned and what were the prospects for change? What were the legal provisions for carrying out the death penalty?

52. Paragraph 9 of the report stated that detention could extend to up to six months from the date of the arrest, whereas paragraph 213 of the report of the Committee against Torture to the General Assembly (A/45/44) said that custody could not last more than three days. He did not understand that discrepancy: perhaps a distinction was being made between custody and pre-trial detention. In any event, what was the maximum period that a person could be detained? Did pre-trial detention mean that a person was detained until sentencing?

53. Paragraph 12 implied that, in certain cases, the participation of a defence counsel was not obligatory. Were there cases in which no defence counsel was present?

54. Was there a provision in the new legislation for a medical examination of a detainee upon arrest and, if so, was such an examination optional or compulsory? What efforts were being made to train staff and to promote the dissemination of the Convention and what programmes were planned in that regard?

55. Mr. EL IBRASHI said he agreed with previous speakers that, in view of the enormous changes taking place in Belarus, it would be premature to draw any conclusions at the current time. He would be grateful if the Government of Belarus could provide the Committee with a copy of the new Constitution and legislation as soon as they had been adopted.

56. With regard to the direct application of the Convention, it was his understanding that new legislation would be brought into line with the provisions of that instrument. He sought clarification on the actual procedure followed when there was a conflict between domestic law and an article of the Convention.

57. Concerning paragraph 9 of the report, he found that the explanation it contained was lacking in clarity. What was the maximum period of detention allowed?

58. On the question of redress, he wished to know who was responsible for compensation. Was it the State? Could the victim initiate proceedings to obtain compensation? Could he bring an action against the State and against the person who had tortured him?

59. As to paragraphs 12 and 13, was the presence of a lawyer compulsory in cases concerning torture or was it subject to the wishes of the victim? Concerning paragraph 14, under what circumstances could persons be held in

isolation, and what were the relevant legal provisions? Was isolation a preventive measures or in application of a final judgement? No information had been given about the question of extradition and he therefore asked whether legislation was in line with the relevant provisions of the Convention.

60. Mr. SORENSEN said that article 10 of the Convention, which concerned education and training, was of paramount importance in the current period of change in Belarus, yet no mention had been made of whether medical personnel was being trained in compliance with that provision. Doctors often took part in acts of torture and it was therefore essential to disseminate information on the Convention and on medical ethics. He sought clarification on how that matter was being dealt with and he drew attention in that context to the technical assistance services of the United Nations, which Belarus might find useful.

61. Turning to article 14 of the Convention, he stressed the importance of rehabilitation and, more particularly, of medical rehabilitation. Was anything being done in that area? Impunity was an important part of the problem of rehabilitation. If a victim of torture did not see that his tormentor had been punished, he could not be fully rehabilitated. That could pose a threat to democracy. What measures were being taken to bring former torturers to justice?

62. Mr. BEN AMMAR said he was pleased that the decision of Belarus to embark on the path of democracy was irreversible and had been taking place peacefully.

63. He requested additional information on how the judicial bodies, the police and the administration were proceeding with current changes. He also asked for details on how the country was coping with difficulties caused by the weight of the past.

64. He inquired whether the complementary nature of all human rights was reflected in Belarus legislation and stressed the need to focus on the right to physical integrity. Was the press contributing to efforts to promote respect for human rights and was education in the field of human rights being encouraged? Was there a parliamentary commission that dealt with human rights questions? Did Belarus intend to accede to the Optional Protocol to the International Covenant on Civil and Political Rights? Would it make the declaration under articles 21 an 22 of the Convention against Torture?

65. Mr. LORENZO said he was pleased that Belarus firmly intended to create a legal system based on the rule of law. He welcomed the Belarus delegation's request for advice to help with the ongoing legal reforms in that country. What was the current status of the Convention against Torture? He was pleased that Belarus had withdrawn its reservation under article 30, paragraph 1, and hoped that it would consider recognizing the competence of the Committee under article 20.

66. Mr. DIPANDA MOUELLE, referring specifically to paragraph 14 of the report, asked who decided whether to place persons in isolation cells. Was there a minimum and maximum period for detention in such cells?

67. The CHAIRMAN, speaking as a member of the Committee, said that, although the report of Belarus was somewhat short and had not provided all the answers the Committee had hoped for, it was clear that the situation in that country was evolving rapidly and that new legislation was being introduced. Perhaps the services for technical assistance in the field of human rights would be of use. For its next report, due in four years' time, Belarus might draft what would amount to a new and comprehensive "initial report" to reflect the changes that had taken place.

The meeting rose at 1.05 p.m.